

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Edward D. Banks and Diane M. Banks,

Plaintiffs,

v.

Civ. No. 10-4972 (RHK/JJK)

ORDER

Kondaur Capital Corporation, LLC and
Shapiro & Zielke, LLP,

Defendants.

Defendant Shapiro & Zielke, LLP has filed a Motion to withdraw the reference of this adversary proceeding to the United States Bankruptcy Court for the District of Minnesota (the “Bankruptcy Court”). Plaintiffs have filed a response indicating that they do not oppose the Motion, and the Court concludes that withdrawal of the reference is appropriate because Shapiro & Zielke has requested a jury trial and has not consented to have the matter heard by a United States Bankruptcy Judge. See Minn. Loc. R. Bankr. P. 5011-3.

Based on the foregoing, and all the files, records, and proceedings herein, **IT IS ORDERED** that Shapiro & Zielke’s Motion (Doc. No. 1) is **GRANTED**. The reference of this action to the Bankruptcy Court under Local Bankruptcy Rule 1070-1 is **WITHDRAWN**. All filings and proceedings in this case shall take place in this Court, and this matter shall proceed in accordance with this Court’s Local Rules. The Clerk of the Bankruptcy Court is **DIRECTED** to transmit the docket and all documents in

Adversary No. 10-3216 to the Clerk of this Court, pursuant to Local Bankruptcy Rule 5011-3(b).

Date: January 11, 2011

s/Richard H. Kyle

RICHARD H. KYLE

United States District Judge